

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH LEE NORMAND,

Defendant.

Case No. CR98-5389 JET
Case No. C06-5026 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion for Reconsideration [Dkt. #6].

Having considered the entirety of the records and file herein, the Court rules as follows:

The defendant seeks reconsideration of this Court's Order which dismissed his 28 U.S.C. § 2255 Motion and declined to issue a Certificate of Appealability. Because *United States v. Booker*, 125 S. Ct. 738 (2005) is not to be applied retroactively, the defendant has no basis to challenge his prior sentence. For that reason, the Court did decline, and continues to decline, to issue a Certificate of Appealability. It is therefore

ORDERED that Defendant's Motion for Reconsideration [Dkt. #6] is **DENIED**.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 10th day of April, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE